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JUL 2 7 2005

Linda H. Matsumi

PATENT

Customer No. 22,852

Attorney Docket No. 04853.0081-01000

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Group Art Unit: 1616 Atsuo ITO et al. Examiner: Frank I. Choi Application No.: 10/802,429 Filed: March 15, 2004 Confirmation No.: 3532 For: SUSPENSION OR PARTICLE-SOLVENT MIXTURE SYSTEM OF ZINC-CONTAINING CALCIUM PHOSPHATE MICROPARTICLES AND THERAPEUTIC AGENT FOR TREATING ZINC DEFICIENCY

## Mail Stop AMENDMENT

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

## INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(c)

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(c), applicants bring to the attention of the Examiner the documents on the attached Form PTO/SB/08. This Information Disclosure Statement is being filed after the events recited in Section 1.97(b) but, to the undersigned's knowledge, before the mailing date of a Final Office Action, a Notice of Allowance, or an action that otherwise closes prosecution. Under the provisions of 37 C.F.R. § 1.97(c), this Information Disclosure Statement is accompanied by a fee of

01/2005 SSITHIB1 \$180.00 as specified by Section 1.17(p).

FC:1806

Application No. 10/802,429 Attorney Docket No. 04853.0081-01000

A copy of the listed U.S. patent is not enclosed. A copy of the listed non-patent

literature document is enclosed.

Applicants respectfully request that the Examiner consider the listed documents

and indicate that they were considered by making appropriate notations on the attached

form.

This submission does not represent that a search has been made or that no

better art exists and does not constitute an admission that each or all of the listed

documents are material or constitute "prior art." If the Examiner applies any of the

documents as prior art against any claims in the application and applicants determine

that the cited document does not constitute "prior art" under United States law,

applicants reserve the right to present to the Office the relevant facts and law regarding

the appropriate status of such documents.

Applicants further reserve the right to take appropriate action to establish the

patentability of the disclosed invention over the listed documents, should one or more of

the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please

charge the fee to Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,

GARRETT & DUNNER, L.L.P.

Dated: July 27, 2005

Danielle M. Pasq**∮**alone

Reg. No. 43,847

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IDS Form PTO/S	SB/08: Substitute for form	n 1449A/PTO	11 7 7 2005	Complete if Known		
		10	À	Application Number	10/802,429	
INF	ORMATION D	ISCLÓSU	RF 💆	Filing Date	March 15, 2004	
ST/	ATEMENT BY	ADDI I	AUTADEMARK	First Named Inventor	Atsuo ITO	
STATEMENT BY APPLICANTADEMAN				Art Unit	1616	
	(Use as many sheets a	as necessary)		Examiner Name	Frank I. CHOI	
Sheet	1	of	1	Attorney Docket Number	04853.0081-01000	

U.S. PATENTS AND PUBLISHED U.S. PATENT APPLICATIONS						
	Cite	Document Number	Publication Data	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	
	No.1	Number-Kind Code <sup>2</sup> (if known)				
		US-6,090,732	07-18-2000	Ito et al.		
		US-				
		US-				
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Note: Submission of copies of U.S. Patents and published U.S. Patent Applications is not required.

FOREIGN PATENT DOCUMENTS						
Examiner Initials	Cite No. <sup>1</sup>	Foreign Patent Document  Country Code <sup>3</sup> Number <sup>4</sup> Kind Code <sup>5</sup> ( <i>if known</i> )	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	Translation <sup>6</sup>
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	NON PATENT LITERATURE DOCUMENTS				
Examiner Cite Initials No.1		Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.			
		Ito et al., Zinc-releasing calcium phosphate ceramics stimulating bone formation. <i>Bioceramics</i> , Vol. 12, from <u>Proceedings of the 12<sup>th</sup> International Symposium on Ceramics in Medicine, Nara, Japan, October 1999, eds. H. Ohgushi et al., pp. 567-570.</u>	.12.		

Examiner	Date	
Signature	Considered	

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.